

## **REMARKS**

This is intended as a full and complete response to the Final Office Action dated January 16, 2009, having a shortened statutory period for response set to expire on April 16, 2009. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 12, 13 and 17 are pending in the application. Claims 12, 13 and 17 remain pending following entry of this response.

### Claim Rejections - 35 U.S.C. § 103

Claims 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bays et al.*, U.S. Patent No. 6,519,603 (hereinafter *Bays*) in view of *Wynblatt et al.*, U.S. Patent No. 6,871,318 (hereinafter *Wynblatt*).

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2141. Establishing a *prima facie* case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a *prima facie* case of obviousness has not been established.

Regarding claim 12 and the claims that depend therefrom, Applicants submit that the Examiner does not provide sufficient support for combining *Bays* and *Wynblatt*. Specifically, the Examiner does not describe how or why *Bays* and *Wynblatt* can be combined to disclose creating an annotation record comprising the index and the information entered, wherein the index is created based on the set of identifying parameters. On page 3 of the Final Office Action dated January 16<sup>th</sup>, 2009 (hereinafter Final Office Action), the Examiner refers to *Bays* and states that the set of identifying parameters correspond to “a subsection of a database material”. Specifically, the Examiner states that the set of identifying parameters correspond to a cell identified by the intersection of a column and a row.

However, because *Bays* does not disclose creating an index based on the set of identifying parameters, Examiner relies on *Wynblatt* to modify *Bays*. For example, on page 4 of the Final Office Action, the Examiner states that the unique ID of a document described in *Wynblatt* can represent a set of identifying parameters that may be used to create an index. However, Examiner provides no guidance as to how a subsection of a database material (for example, cell identified by a row/column intersection) can be replaced with a document ID. In fact, Applicants respectfully submit that such a modification to *Bays* would render *Bays* unworkable precisely because a unique ID is not a cell identified by the intersection of a column and a row.

Therefore, Applicants submit that the references cannot be reasonably combined. Accordingly, Applicants submit that the claims are allowable, and allowance of the claims is respectfully requested.

The rejection to claims 13 and 17 incorporate the rejection to independent claim 12, respectively, over the cited references. As stated above, the rejection to independent claim 12 is believed to be overcome. Accordingly, the rejection to claims 13 and 17 is also believed to be overcome. Therefore, the withdrawal of the rejection to these claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 698-4286, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

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